

TODD M. LEVENTHAL, ESQ
Leventhal and Associates, PLLC
Nevada Bar No. 8543
California Bar No. 223577
626 South Third Street
Las Vegas, Nevada 89101
PHONE: (702) 472-8686
leventhalandassociates@gmail.com
Attorney for Vang Tran

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

VAN TRAN,

Defendant.

Case no.: 2:18-cr-00390-RFB-BNW-1

STIPULATION TO CONTINUE

SENTENCING

(First request)

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, through Allison Reese, Assistant United States Attorney, and Defendant, Vang Tran by and through his counsel, Todd M. Leventhal, that the Sentencing currently scheduled for September 14, 2020 at 10:30 a.m, 2019 be continued and set for a date and time convenient for the court but not sooner than sixty (60) days.

This Stipulation is entered into for the following reasons

1. Counsel, Todd M Leventhal, Esq., will be out of jurisdiction on a personal matter until the end of September 2020.
2. The parties agree to the continuance.
3. Defendant Vang Tran is in custody and does not object to the continuance.

- 1 4. This is the First request for a continuance of the Sentencing date.
- 2 5. The additional time for Sentencing requested herein is not sought for purposes of delay,
- 3 but merely to allow counsel for the defendant sufficient time to effectively and thoroughly
- 4 research, prepare for Sentencing.
- 5 6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
- 6 The additional time requested by this Stipulation is excludable in computing the time
- 7 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
- 8 § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), as
- 9 well as § 3161(h)(1)(D).

10 DATED this 2nd day of September 2020

11 Respectfully submitted by: Todd M. Leventhal, Esq.

12
13 /s/ Todd M. Leventhal
14 TODD M. LEVENTHAL
15 Counsel for Defendant
16 Vang Tran

17 /s/ Allison Reese
18 ALLISON REESE
19 Assistant U.S. Attorney
20 Counsel for Plaintiff

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FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing, the Court finds that:

1. Counsel, Todd M Leventhal, Esq., will be out of jurisdiction on a personal matter until the end of September 2020.
2. The parties agree to the continuance.
3. Defendant Vang Tran is in custody and does not object to the continuance.
4. This is the First request for a continuance of the Sentencing date.

1 5. The additional time for Sentencing requested herein is not sought for purposes of delay,
2 but merely to allow counsel for the defendant sufficient time to effectively and thoroughly
3 research, prepare for Sentencing.

4 6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5 The additional time requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
7 § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), as
8 well as § 3161(h)(1)(D).

9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best interest of the
11 public and the defendants in a speedy trial, since the failure to grant said continuance would be
12 likely to result in creating unnecessary risk to the court, its staff, the parties, their counsel and the
13 public.

14 The continuance sought herein is excludable in computing the time within which the trial
15 must commence pursuant to the Speedy Trial Act, 18 U.S.C., Section 3161(h)(7)(A), when
16 considering the factors set forth under 18 U.S.C., Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

17 **ORDER**

18 IT IS HEREBY ORDERED that the Sentencing currently scheduled for September 14 at
19 10:30 a.m. be continued to November 17, 2020, at the hour of 11:00 AM in Las
20 Vegas Courtroom 7C.

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22 

23 RICHARD F. BOULWARE, II
24 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September 2020 a true and correct copy of the,
STIPULATION AND ORDER TO CONTINUE SENTENCING was filed through the
CM/ECF filing system and was electronically served to the following registered addresses on file
for this instant case.

/s/ Todd M. Leventhal
TODD M. LEVENTHAL, ESQ.
LEVENTHAL & ASSOCIATES, PLLC.